

REMARKS

Claim 1-33 are pending in the Application. Claims 1, 3, 6, 12, 20, 21, 28, 29 and 30 have been amended. New Claim 34 has been added. Claims 1-34 are therefore presented for examination.

Claims 1-9 were rejected in the Office Action under 35 U.S.C. §102(b) as being anticipated by Sehr (U.S. Patent No. 5,875,432). Applicant respectfully traverses this rejection.

Sehr discloses a computerized voting system that determines if a particular voter is entitled to caste his or her vote via the use of a voting card. Sehr does not disclose an information-gathering system that includes “a ballot-intent verification system to allow the user to confirm that the customized ballot represents accurate user intent”, as is now recited in amended Claim 1.

The system described in Sehr deals exclusively with verification of a voter’s voter registration card to assure that the identity of the voter matches that of the voter registration card. Nowhere in Sehr is there a recitation of a user-intent verification system, which allows the voter to inspect his or her input ballot, revise the input ballot to match the voter’s original intent, gain access to the voting database via a unique identification code, and, if necessary, challenge the accuracy of the voting database by matching the official ballot to the stub by comparing the unique identifier printed on both. This unique ballot-intent verification system is quite different from a system that merely verifies that the voter is who he purports to be. Sehr is completely silent regarding a system that allows the voter to access his or her original vote, *in secrecy*, via a unique identifier, and verify the integrity of his or her vote. Because Sehr does not teach every element of independent Claim 1, it cannot constitute 102(b) prior art and, consequently, this

claim is believed to be patentable. Applicant therefore respectfully requests the withdrawal of this rejection.

Claims 2-9 are each dependent either directly or indirectly from independent Claim 1. These claims recite additional limitations, which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Further, Claim 3 has been amended to further clarify the distinction between the “unique identifier” of Applicant’s invention and the “secret certification number” disclosed in Sehr. Claim 3 now provides that Applicant’s unique identifier is “accessible to the validated user to allow for the verification of the integrity of validated user’s response”. In other words, this identifier is accessible *only to the validated user*, unless the validated user chooses to use that identifier to challenge the integrity of his or her vote. By contrast, the certification number of Sehr, is loaded into the voting card *by the certification center* and is “invisible but to the certification center.” (Sehr, col. 7, l. 54-58). Therefore, because Sehr does not disclose a “unique identifier” that is “accessible to the validated user to allow for the verification of the integrity of validated user’s response”, Sehr lacks an element of Claim 3, as now amended.

Claim 6 discloses the system of Applicant’s invention and further comprises “a tabulation database accessible by the validated user by verifying the unique identifier assigned to the validated user.” Sehr (20, FIG. 1) does not describe a tabulation database *accessible by the validated user* via the unique identifier. Instead, Sehr discloses a certification number that is used to identify the person who is voting and that is “used also by other voting stations to authenticate the voting card.” (Sehr col. 7, l. 60-62).

Regarding Claims 8 and 9, Sehr does not disclose a system that allows the validated user to access the tabulation database via a communication network.

Claims 10-11, 20-26 and 30-33 were rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Sehr (U.S. Patent No. 5,875,432) in view of McClure et al. (U.S. Patent No. 6,250,548). Claim 10 was rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Sehr (U.S. Patent No. 5,875,432) in view of Sakai et al. (U.S. Patent No. 6,047,052). Applicant respectfully traverses this rejection.

Claims 10 and 11 depend from amended Claim 1, which now includes features not present in Sehr. McClure et al. describes an electronic voting system. The system includes features for storing images of cast ballots in multiple location for verification that the proper ballot style is being used. Sakai et al. describes a data collection method and system that estimates the number of potentially calling terminals in order to broadcast a call probability value. Neither McClure et al. nor Sakai et al. disclose or suggest an information-gathering system that includes a user-intent verification system to allow the user to confirm that the cast ballot represents accurate user intent. Therefore, the combination of Sehr, McClure et al. and Sakai et al. does not disclose or suggest features present in Claim 10-11, each of which depend from amended Claim 1.

Claim 20, as amended, now describes a method of voting that includes the step of allowing the potential voter “to confirm that the official ballot represents accurate voter intent.” Neither Sehr nor McClure et al. describe or suggest a method of voting that provides a mechanism for the voter to visually compare the ballot entries originally entered with the final ballot to ensure that the ballot truly represents the voter’s intent. Sehr (via its certification

number) and McClure et al. authenticate the voter's identity, allowing the voter to cast his or her ballot, but do not allow the voter to secretly audit their own vote.

Claim 21 includes the step of "assigning a unique identifier to the eligible voter" and "causing the unique identifier to be printed on the receipt and the official ballot". Sehr, on the other hand does not teach the unique identifier of Applicant's invention. Further, Sehr does not disclose or suggest the step of "causing the unique identifier to be printed on the receipt and the official ballot". Instead, Sehr requires that the certification number loads into the voting card. Finally, Sehr does not teach the steps of "providing access to the voting results database to the eligible voter" and "requiring the eligible voter to input the unique identifier in order to gain access to the voting results database." Instead, Sehr creates "an audit trail as a means of record-keeping and proof that a particular voter was qualified by that voting station to cast his/her votes." (Sehr, col. 6, l. 35-43).

Claims 21-26 are each dependent either directly or indirectly from independent Claim 20. These claims recite additional limitations, which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore also believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claims 30-33 also include the step of "allowing the potential voter to confirm that the official ballot represents accurate voter intent". As discussed above, none of the cited references disclose this feature.

Claim 23 was rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Sehr (U.S. Patent No. 5,875,432) in view of Sakai et al. (U.S. Patent No. 6,047,052). As in the argument presented above, Claim 23, which depends from amended Claim

20, now recites features not present or suggested in either of the cited references. Therefore this claim is also believed patentable.

Claims 12-19 and 28-29 were rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Sehr (U.S. Patent No. 5,875,432) in view of Bayer et al. (U.S. Patent No. 6,311,190). Applicant respectfully traverses this rejection.

Claim 12 has been amended to now include the step of “confirming that the second tangible record (i.e., the customized ballot) represents accurate user intent.” None of the cited references disclose this feature. Claims 13-19 are each dependent either directly or indirectly from independent Claim 12. These claims recite additional limitations, which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore also believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claims 28-29 provide means for “assigning a unique identifier to the user”. As discussed above, none of the cited references disclose a unique identifier as defined by Applicant. In other words, an identifier that is not associated with the identity of the voter and is instead used by the voter to gain access to and verify that his or her vote was accurate. The certification number in Sehr is associated with the voter and is imbedded in the voter’s smart card. Further, the references do not teach or suggest “means for allowing the user to compare the tangible record with the at least first response” and “means for correcting a discrepancy between the tangible record and the first response”. Applicant’s invention, as now claimed, focuses on allowing the voter to secretly verify the authenticity of his or her vote and prove, if necessary, that their vote was not counted accurately.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-33 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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